

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

Claims 1-25 were previously pending in this application. Claims 8 and 10 are canceled; leaving claims 1-7, 9 and 11-25 for consideration.

Claims 4-7 are withdrawn from consideration as being directed to a non-elected species.

Claims 16 and 25 are amended to provide proper antecedent basis for "the angle", "the middle" and "its convex portion". Claims 8 and 10 are amended to clarify that 35 USC 112, 6<sup>th</sup> paragraph is not being invoked. The above changes are believed to address the 35 USC 112, second paragraph rejection and withdrawal of the same is respectfully requested.

Claims 1, 19 and 20 are amended to clarify that the recited "brake" and first and second "lock" are not presented in 35 USC 112, 6<sup>th</sup> paragraph format.

Amending claim 1 to include the subject matter of claims 8 and 10 is believed to obviate the rejection of claims 1-3, 18 and 24 under 35 USC 102(b) as being anticipated by NAGEL 5,759,107.

Claims 8, 10, 19 and 20 were rejected under 35 USC 103(a) as being unpatentable over NAGEL in view of ALTARE 5,046,721. That rejection is respectfully traversed.

Claim 1 recites a brake that suddenly stops a rotary movement. The brake includes at least a first mechanical abutment that suddenly stops a primary arc relative to a stationary column and a second mechanical abutment for suddenly stopping a secondary arc relative to the primary arc.

The Official Action recognizes that NAGEL does not disclose these features. ALTARE is offered for these features.

However, even if one were to combine the references in the manner suggested, the invention of claim 1 does not result.

Claim 1 recites a brake that stops a rotary movement.

Element 85 of ALTARE offered as a brake does not meet the brake of claim 1. Rather, element 85 is a lock bar assembly (see column 4, line 42). Such assembly does not provide a braking function.

Moreover, lock bar assembly 85 does not suddenly stop nor could be configured to suddenly stop an arc relative to a stationary column. Rather, only when all the elements (rings 13, 14 and 15) of ALTARE are already stopped and aligned with yoke 30, then assembly 85 can be rotated to lock the structure (see column 4, lines 38-41, wherein ALTARE discloses: "While the gyroscopic structure is at rest, being moved about, and also during loading and unloading, it is desirable to have the rings of the ring assembly temporarily secured to each other and to the yoke"). Emphasis added.

One of ordinary skill in the art would not consider element 85 of ALTARE as a brake and therefore, would not have considered it obvious to modify NAGEL to meet claim 1 in view of the lock bar assembly of ALTARE.

Further, operator-actuated braking means 200 does not meet a brake that stops a rotary movement as recited in claim 1.

Rather, as disclosed on column 6, lines 18-21, the operator-actuated braking means 200 allow an operator to maintain the inner ring 180 in a substantially stationary vertical position prior to safely mounting and dismounting the structure. Thus, the structure is already stationary and is maintained stationary by braking means 200. ALTARE does not meet a brake that stops a rotary movement as recited in claim 1.

Moreover, operator-actuated braking means 200 does not suddenly stop nor could be configured to suddenly stop an arc relative to another arc. Rather, only when all the elements of ALTARE are already stopped, then operator-actuated braking means 200 can be used to maintain the rings in their stationary vertical position.

One of ordinary skill in the art would not consider operator-actuated braking means 200 of ALTARE as a brake and therefore, would not have considered it obvious to modify NAGEL to meet claim 1 in view of the operator-actuated braking means of ALTARE.

Still further neither NAGEL nor ALTARE disclose that the stationary column and the first axis of rotation are behind the primary arc.

Rather, the stationary support 8a, first axis of rotation and the ring 4 of NAGEL are all aligned (see Figure 3). Similarly, the stationary yoke 30, axis 41 and rings (13, 14 and 15) are all aligned (see Figures 1 and 5).

Accordingly, even if one were to combine the references in the manner suggested, the invention of claim 1 would not result.

Claims 8 and 9 were rejected under 35 USC 103(a) as being unpatentable over NAGEL in view of COLES 4,402,500. That rejection is respectfully traversed.

COLES is only cited with respect to features of the dependent claims. COLES does not disclose each of the features of claim 1. Since claims 8 and 9 depend from claim 1, these claims are believed to be patentable at least for depending from an allowable independent claim.

Moreover, COLES does not disclose that for which it is offered.

Elements 38, 40 of COLES do not meet a brake that stops a rotary movement as recited in claim 1. Rather, these elements are adjusted before hand to increase or decrease friction (see column 4, lines 26-41 especially lines 36-38). These elements

neither suddenly stop rotary movement nor suddenly stop a primary arc relative to a stationary column.

Claims 11 and 12 were rejected under 35 USC 103(a) as being unpatentable over NAGEL in view of ALTARE and further in view of BURROWS 2,832,245. That rejection is respectfully traversed.

BURROWS is only cited with respect to features of the dependent claims. BURROWS does not disclose each of the features of claim 1. Since claims 11 and 12 depend from claim 1, these claims are believed to be patentable at least for depending from an allowable independent claim.

Claim 13 was rejected under 35 USC 103(a) as being unpatentable over NAGEL in view of LOWE 3,774,963. That rejection is respectfully traversed.

LOWE is only cited with respect to features of the dependent claims. LOWE does not disclose each of the features of claim 1. Since claim 13 depends from claim 1, this claim is believed to be patentable at least for depending from an allowable independent claim.

Claim 14 was rejected under 35 USC 103(a) as being unpatentable over NAGEL in view of FERRARA 3,343,875. That rejection is respectfully traversed.

FERRARA is only cited with respect to features of the dependent claims. FERRARA does not disclose each of the features of claim 1. Since claim 14 depends from claim 1, this claim is

believed to be patentable at least for depending from an allowable independent claim.

Claims 15 and 16 were rejected under 35 USC 103(a) as being unpatentable over NAGEL in view of WEIMER et al. 6,264,278. That rejection is respectfully traversed.

WEIMER is only cited with respect to features of the dependent claims. WEIMER does not disclose each of the features of claim 1. Since claims 15 and 16 depend from claim 1, these claims are believed to be patentable at least for depending from an allowable independent claim.

Claim 17 was rejected under 35 USC 103(a) as being unpatentable over NAGEL in view of CHINOMI 5,052,754. That rejection is respectfully traversed.

CHINOMI is only cited with respect to features of the dependent claims. CHINOMI does not disclose each of the features of claim 1. Since claim 17 depends from claim 1, this claim is believed to be patentable at least for depending from an allowable independent claim.

Claims 21-23 were rejected under 35 USC 103(a) as being unpatentable over EPLEY 6,800,062 in view of NAGEL. That rejection is respectfully traversed.

EPLEY is only cited with respect to features of the dependent claims. EPLEY does not disclose each of the features of claim 1. Since claims 21-23 depend from claim 1, these claims

are believed to be patentable at least for depending from an allowable independent claim.

Among other differences, EPLEY doesn't describe a medical chair mounted on open structures in the shape of arches, but a huge closed circular device 18. In this device 18, a seat is mounted inside an O-shaped frame. Such a device is bulky, and is prevents the Doctor from approaching the Patient and when the Doctor needs to provoke the motions required for the therapy.

Moreover, unlike the cited documents, the claimed invention aims to enhance the diagnosis and treatment of benign positional vertigo.

Among the numerous advantages provided by the invention, one is that the medical examination chair is provided with a brake that precisely stops said rotary movement suddenly.

This is very important to cure benign positional vertigo. The invention has been used by specialized Doctors in Medicine, with amazing results: most of the times, one single predetermined shock is sufficient to release the Patient from his benign positional vertigo.

To obtain such unequalled results, on the one hand, the precise direction/orientation of the shock has to be predetermined by the doctor, and be strictly translated on the chair (by adjustments of the end of motion stoppers).

On the other hand, the motion must be precisely operated (manually most of the time) and controlled (camera for following eye movements). This predetermined shock is mainly based upon the 3D orientation of the inside ear of the Patient, where an otolith is present.

Furthermore, unlike EPLEY for instance, perfect results can be obtained when the motion applied to the Patient is provoked by hand (no motors) by the Doctor. Even when the motion is manual, it is very helpful to have a camera control of the position of the Patient's eyes during the motions. This also can help the predetermining of the motions orientations, amplitude and end location.

The prior art is unable to obtain these results because they do not include the recited structure necessary to obtain these results. Besides, the prior art problems that are solved by the invention -unlike the teaching of the cited documents- is clearly exposed in the specification (see US2007/0106184 at paragraphs [0009]-[0012]).

The purpose of the invention is exposed as expelling the troublesome otolith by the sudden deceleration obtained thanks to the recited brake (see US20070106184 at paragraph [0016]).

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance



of all claims pending in the application are respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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